

REMARKS

The present response is intended to be fully responsive to the rejection raised in the Office Action, and is believed to place the application in condition for allowance. Further, the Applicants do not acquiesce to any portion of the Office Action not particularly addressed. Favorable reconsideration and allowance of the application is respectfully requested.

In the Office Action, the Office noted that claims 1-8 are pending, and that claims 1-8 are rejected. The Applicants amend independent claims 1, 4, 7 and 8 as set forth above. Support for the amendment of the independent claims 1, 4, 7 and 8 may be found throughout the present application's specification and drawings. The Applicants also amend dependent claim 2 to attend to a typographical error. The Applicants submit that no new matter has been added by way of the amendment to the claims.

In view of the above amendment and the following discussion, the Applicants submit that none of the claims now pending in the application are anticipated under the provisions of 35 U.S.C. §102 or obvious under the provisions of 35 U.S.C. §103. Thus, Applicants believe that all of these claims are now in condition for allowance.

REJECTION

Response to §103 Rejection of Claims 1, 3 and 7

The Office rejected claims 1, 3 and 7 under 35 U.S.C. § 103(a) as being unpatentable over Scala InfoChannel Product Manual [botmans.bk] ("*Scala*") in view of U.S. Patent No. 7,092,999 issued to Levitan ("*Levitan*"). The Applicants respectfully traverse this rejection.

The Office stated that *Scala* in combination with *Levitan* teaches all of the claimed elements of the claims 1, 3 and 7. With respect to independent claim 1, the Office contended that *Scala* teaches the previously-presented combination of claimed elements:

- creating a series of content pages using a graphical user interface to define content for each content page in the series of content pages;

- delivering the series of content pages over the network to a player at a cable headend;

- scheduling broadcast of the series of content pages; and

- broadcasting the series of content pages as the video signal over the cable channel.

In support of this contention, the Office cited to *Scala* at Chap 1, P. 8; Chap 5/ Figure at P. 114; P. 120; line 26- P. 123: line 15; Chap 21 P. 24; Chap 2, P. 43-44; Chap 12, P. 256-259; Chap 13, P. 268-270, P. 272-273; Chap 3, P. 67-68 and Chap 18, P. 7; Chap 19, P. 22; Chap 19, P. 60-61; Chap 18, P. ; Chap 19, P. 32 and Chap 19, P. 60-61. The Office conceded that, with respect to the previously-presented independent claim 1:

"Scala does not explicitly teach communication and transmission over the internet;

at the time of the scheduled broadcast of the series of content pages, automatically using the player to fetch updated content over the internet from an on-line content source unaffiliated with a party performing the delivering or the cable channel; and

automatically forming at least one updated content page using the updated content; and broadcasting the at least one updated content page as the video signal over the cable channel." Office Action, p. 3-4.

The Office, however, stated that *Levitan* teaches the claimed elements not taught by *Scala*. See *Id.* In support of this contention, the Office cited to "web Server 4-Fig.1, broadcast server 1-Fig.1; Col 4: lines 24-369, Col 5: lines 40-53, Col 6: lines 3-33, Co16: lines 53-57, Col 7: lines 43-49; "Col. 6: lines 17-26, 44-48," and "Col. 6: lines 17-26, Col 7: line 53 - Col 8: line 15." The Office also stated "Levitan further teaches communication and transmission over the internet (Internet - Fig.1, Communication between broadcast server and web servers are via the internet; Col. 4: lines 33-34)." *Id.*

From the foregoing the Office concluded that:

"it would have been obvious to a person of ordinary skill in the art to modify Scala's system to include at the time of the scheduled broadcast of the series of content pages, automatically using the player to fetch updated content over the internet from an on-line content source unaffiliated with a party performing the delivering or the cable channel;

automatically forming at least one updated content page using the updated content; and broadcasting the at least one updated content page as the video signal over the cable channel, as taught by Levitan, for the advantage of providing to the user the most up to date content without having to overload source servers from unicast requests, allowing all users to receive desired updated content easily and efficiently ...

Therefore, it would have been obvious to a person of ordinary skill in the art to modify the system of Scala and Levitan to include, transmission over the internet, as further taught by Levitan, for the advantage of robust communication and delivery over a thriving and widely used delivery system." *Id.*

Unlike *Scala* and *Levitan*, alone or in combination, the independent claim 1, as amended, includes a combination of claimed elements (i) creating a series of content pages using a graphical user interface, wherein at least a portion of at least one content page of the series of content pages comprises updatable content that is updatable at a time after creation of the at least one content page of the series of content pages, (ii) fetching updated content via the internet from an on-line content source, (iii) automatically updating the updatable content with the updated content; and (iv) broadcasting the series of content pages including the updated content as the video signal over the cable channel. More specifically, the amended independent claim 1 recites:

"A method for creating a video signal for broadcast over a cable channel, the method comprising:

creating a series of content pages using a graphical user interface, wherein at least a portion of at least one content page of the series of content pages comprises updatable content that is updatable at a time after creation of the at least one content page of the series of content pages;

delivering the series of content pages via the internet to a player at a cable headend;

scheduling broadcast of the series of content pages;

at the time of the scheduled broadcast of the series of content pages, automatically using the player to fetch updated content via the internet from an on-line content source unaffiliated with a party performing the delivering or the cable channel;

automatically updating the updatable content with the updated content; and

broadcasting the series of content pages including the updated content as the video signal over the cable channel" (emphasis added).

The Applicants submit that *Scala* and *Levitan*, alone or in combination, are entirely silent and thus, fail to teaching and/or suggest the combination of claimed elements, including those enumerated (i)-(iv) above. In addition, the Applicants note that *Scala* teaches:

"Scala InfoChannel makes it possible for you to use your PC to create productions that use special effects-movement, color, graphics, animation, sound-to highlight text and illustrate the points you want to emphasize.

Although it can be used with still images, the real purpose of InfoChannel is **to create dynamic productions-sequences of sounds and images that flow like a professional video** and can respond to outside input" (emphasis added). *Scala*, at Chap. 1, page 8.

Levitán, on the other hand, states: “[t]his invention relates to information technology for reducing Internet traffic and latency, and more particularly, to delivery of Internet content to users via television channels.” *Levitán*, at col. 1, lines 6-9. *Levitán* also states:

“Accordingly, it is an object of the present invention to provide a data broadcast network for traffic-free Internet access. The broadcast network includes a local area network (LAN) at a multichannel television center connecting a broadcast server to channel servers which, in turn, are bridging the LAN to dynamic subnetworks comprising one-way broadcast channels and broadcast clients coupled to those channels via channel selectors. The LAN is connected to the Internet for downloading Internet files into the broadcast server according to the Internet protocol before the files are retransmitted via the broadcast network to broadcast clients according to a data broadcast protocol. The broadcast network supports both one-to-one and one-to-many transmissions, the latter as a simultaneous delivery of the same copy of file to many clients tuned to the same channel. Any file is transmitted as a flow of packets and each transmission is preceded with an announcement specifying a transmission channel and a flow number so that clients could download content selected by their users” (emphasis added). *Levitán*, at abstract.

Levitán further states:

“The Internet broadcast system works in such a way that user receives any content of his choice at a time of his choice while the broadcast server divides Internet content into four categories depending on demand and delivery management:

- (1) Content in low demand delivered from its origin server only when requested by a user.
- (2) Content in medium to high demand cached on the broadcast server and delivered to users when requested.
- (3) Content in high demand cached on the broadcast server and transmitted permanently during a certain period of time. Clients download the content “on the fly” without sending requests to the server.
- (4) Content brought to the broadcast server at a certain time for transmission on a schedule so that all clients, whose users are interested in that content, could download it simultaneously. This content is automatically downloaded when transmitted and presented to user later on user’s request at a time of user’s choice” (emphasis added). *Id.*, at col. 4, line 60 to col. 5, line 10.

In view of the foregoing quotes (and the rest of both of) *Scala* and *Levitán*, the Applicants submit that the content taught by *Scala* are productions-sequences of sounds and images that flow like a professional video, and the content taught by *Levitán* are internet files

that are downloaded or downloadable to clients. Thus, the Applicants submit that, when combined, the combination of *Scala* and *Levitan* teach content that includes (i) productions-sequences of sounds and images that flow like a professional video ("video-production sequences"), and (ii) internet files that are downloaded or downloadable to clients ("downloadable-internet files"). The Applicants submit, however, *Scala* does not disclose that its video-production sequences include video-production sequences that can be updated at a time after creation of such video-production sequences. In light of the content of *Levitan* being downloadable internet files and *not* being video-production sequences as taught by *Scala*, the Applicants submit that *Levitan* does not teach video-production sequences that can be updated at a time after creation of such video-production sequences.

Clearly, *Scala* and *Levitan*, alone or in combination, are not the same as and do not teach the combination of claimed elements (i) *creating a series of content pages using a graphical user interface, wherein at least a portion of at least one content page of the series of content pages comprises updatable content that is updatable at a time after creation of the at least one content page of the series of content pages*, (ii) *fetching updated content via the internet from an on-line content source*, (iii) *automatically updating the updatable content with the updated content*; and (iv) *broadcasting the series of content pages including the updated content as the video signal over the cable channel*. Accordingly, the Applicants submit that the combination of *Scala* and *Levitan* does not teach or suggest all the elements of the amended independent claim 1.

The independent claim 7, as amended, recites similar elements as those claimed in the amended independent claim 1. For at least the reasons discussed above, the Applicants submit that the combination of *Scala* and *Levitan* does not teach or suggest all the elements of the amended independent claims 7.

Given that the dependent claim 3 depends from the amended independent claim 1, it necessarily includes all the elements of the amended independent claim 1. Since the combination of *Scala* and *Levitan* does not teach or suggest all of the elements of the amended independent claim 1, the combination also fails to teach or suggest all the elements of dependent claim 3. The Applicants therefore submit that the amended independent claim 1, dependent 3 and amended independent claim 7 are not obvious under 35 U.S.C. §103(a) over *Scala* in view of *Levitan*, and as such, fully satisfy the requirements of 35 U.S.C. §103. The Applicants respectfully request that the present rejection of such claims be withdrawn.

Response to §103 Rejection of Claim 2

The Office rejected claim 2 under 35 U.S.C. §103(a) as being unpatentable over *Scala* in view of *Levitán*, and further in view of U.S. Patent No. 7,167,875 issued to Brown et al. ("*Brown*"). The Applicants respectfully traverse this rejection.

The Office stated that *Scala* in combination with *Levitán* and *Brown* teaches all of the elements of the dependent claim 2. The Office conceded that "Scala and Levitan do not explicitly teach wherein at least one content page in the series of content pages includes programming code directing the player to the on-line content source." *Office Action*, at page 9. The Office, however, stated that "wherein at least one content page in the series of content pages includes programming code directing the player to the on-line content source." *Id.* In support of this contention, the Office cited to *Brown* at col. 6: lines 17-24. From these two statements the Office concluded that "... it would have been obvious to a person of ordinary skill in the art to modify the system of Scala and Levitan to include wherein at least one content page in the series of content pages includes programming code directing the player to the on-line content source, as taught by Brown, for the advantage of providing an identified destination of a specific source where particular information can be found, simplifying and making the information retrieval process quicker and efficient." *Id.*

In view of the assertions of the Office, the Applicants note that the Office cited *Scala* and *Levitán* for the proposition that it teaches all of the elements of the previously-presented independent claim 1 from which the dependent claim 2 depends. The Applicants also note that the Office only cited *Brown* with respect to the subject matter claimed in the dependent claim 2. The Applicants further note that the Office did not rely on *Brown* to (and further submit that *Brown* does not) teach the combination of elements of the previously-presented independent claim 1. To this end, the Applicants note that *Brown* discloses:

"Server 502 retrieves the web pages associated with the links in the requested web page from the web 508 and generates thumbnails, icons, or other information desired by the user. Server 502 may modify the requested web page and send the user the modified web page containing thumbnails, icons, or some other modification. Alternatively, server 502 may send the user the unmodified web page and the thumbnails, icons, etc. as extra data wherein browser 504 determines how to use this extra data" (emphasis added). *Brown*, at col. 6, lines 17-24.

Brown like *Levitán* discloses internet files (in this case, web pages). In light of the content of *Brown* being web pages and *not* being video-production sequences as taught by

Scala, the Applicants submit that *Brown* does teach video-production sequences that can be updated at a time after creation of such video-production sequences.

The Applicants submit that, as discussed above, the *Scala* and *Levitán*, alone or in combination, do not teach or suggest all of the combination of claimed elements of the amended independent claim 1. Given that the dependent claim 2 depends from the amended independent claim 1, it necessarily includes all the elements of the amended independent claim 1. Accordingly, the Applicants submit that the combination of *Scala*, *Levitán* and *Brown* do not teach or suggest all the elements of the dependent claim 2. The Applicants therefore submit that the dependent claims 2 is not obvious under 35 U.S.C. §103(a) over *Scala* in view of *Levitán*, and in further view of *Brown*, and as such, fully satisfy the requirements of 35 U.S.C. §103. The Applicants respectfully request that the present rejection of such claim be withdrawn.

Response to §103 Rejection of Claim 4 and 6

The Office rejected claims 4 and 6 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,792,615 issued to Rowe et al. ("*Rowe*") in view of *Scala*, and further in view of *Levitán*. The Applicants respectfully traverse this rejection.

The Office stated that *Rowe* in combination with *Scala* and *Levitán* teaches all of the claimed elements of the claims 4 and 6. With respect to independent claim 4, the Office contended that *Rowe* teaches the previously-presented claimed elements:

- providing a second graphical user interface that allows a user, unaffiliated with a party performing delivering or plurality of channels, to create the alert;

- delivering the alert over the network to an on-line content source affiliated with the user;

- automatically forwarding to the plurality of players at the plurality channels; and

- broadcasting the alert as a video signal over the plurality of channels.

In support of this contention, the Office cited to *Rowe* at col. 19: lines 45-56 and col. 45: lines 44-46; RCON 500 - Fig.1, 13c; col. 10: lines 61-67; col. 7: lines 3-6; col. 22: lines 12-14; col. 22: lines 12-14, 49-52; col. 40: lines 2-3; and Col. 39: lines 21-25. The Office conceded, however, that: "*Rowe* does not explicitly teach:

- communication and transmission over the internet;

- fetching is done automatically using at least one of the plurality of players, at the time of the scheduled broadcast of the series of content pages;

creating a series of content pages using one or more first graphical user interfaces;

delivering the series of content pages over the internet to a plurality of players at the plurality of channels; and

scheduling broadcast of the series of content pages." *Office Action*, at page 10.

The Office, however, contended that *Scala* teaches the previously-presented claimed elements:

creating a series of content pages using one or more first graphical user interfaces;

delivering the series of content pages over network to a plurality of players at a plurality of channels; and

scheduling broadcast of the series of content pages

In support of this contention, the Office cited to *Scala* at Chap 1, P.8; Chap 3, P.67-68 and Chap 18, P.7; Chap 19, P.22; Chap 18, P.7; Chap 19, P. 60-61; Chap 20, P.32; intro P.1; and Chap 18 as a whole. The Office also stated that:

"it would have been obvious to a person of ordinary skill in the art to modify Rowe's system to include creating a series of content pages using one or more first graphical user interfaces; delivering the series of content pages over the network to a plurality of players at the plurality of channels; scheduling broadcast of the series of content pages, as taught by *Scala*, for the advantage of providing users with the ability to create productions with various effects that can flow like a professional video, whether they are a one person or large department (*Scala* - Chap 1, P.8) and having the productions organized and scheduled to be played at the specified times providing the users with great control."

The Office also conceded that, with respect to the previously-presented independent claim 4, *Rowe* and *Scala*:

"do not explicitly teach communication and transmission over the internet.

fetching is done automatically using at least one of the plurality of players, at the time of the scheduled broadcast of the series of content pages." *Office Action*, p. 11-12.

The Office, however, stated that *Levitan* teaches the claimed elements not taught by *Rowe* and *Scala*. See *Id.*, at p.12 In support of this contention, the Office cited to "web Server 4-Fig.1, broadcast server 1-Fig.1; Col. 4: lines 24-369, Col. 5: lines 40-53, Col. 6: lines 3-33, Col. 6: lines 53-57, Col. 7: lines 43-49." The Office also stated "*Levitan* further teaches communication and transmission over the internet (Internet - Fig.1, Communication between broadcast server and web servers are via the internet; Col. 4: lines 33-34)." *Id.* From the foregoing the Office concluded that:

"Therefore, it would have been obvious to a person of ordinary skill in the art to modify the system of Rowe, Scala, and Levitan to include, transmission over the internet, as further taught by Levitan, for the advantage of robust communication and delivery over a thriving and widely used delivery system." *Id.*

Unlike Rowe, *Scala* and *Levitan*, alone or in combination, the independent claim 4, as amended, includes a combination of claimed elements (i) *creating a series of content pages using a graphical user interface, wherein at least a portion of at least one content page of the series of content pages comprises information for causing at least one of a plurality of players at the plurality of channels to query the on-line content source for the alert*, (ii) *fetching the alert via the internet from an on-line content source*, and (iii) *broadcasting the series of content pages including the alert as the video signal over the cable channel*. More specifically, the amended independent claim 4 recites:

"A method for issuing an alert over a plurality of channels selected from the group consisting of cable channels, over the air broadcast stations, direct broadcast satellite channels, and public and private closed-circuit video networks, the method comprising:

first user creating the alert at at least one first graphical user interface;

delivering the alert via the internet to an on-line content source affiliated with the first user;

a second user, unaffiliated with the first user, creating a series of content pages using at least one first graphical user interface, wherein at least one content page of the series of content pages comprises information for causing at least one of a plurality of players at the plurality of channels to query the on-line content source for the alert;

delivering the series of content pages via the internet to the plurality of players;

scheduling broadcast of the series of content pages;

at the time of the scheduled broadcast of the series of content pages, automatically using at least one of the plurality of players to automatically fetch the alert via the internet from the on-line content source affiliated with the user; and

broadcasting the series of content pages including the alert as a video signal over the plurality of channels" (emphasis added).

The Applicants submit that *Rowe*, *Scala* and *Levitan*, alone or in combination, are entirely silent, and thus, fail to teaching and/or suggest the combination of claimed elements, including those enumerated (i)-(iii) above. In addition, the Applicants note that the Office stated that *Rowe* teaches "broadcasting the alert as a video signal over the plurality of channels." The

Applicants, however, submit that this is not what is claimed in the combination of claimed elements. As previously presented and as amended, the independent claim 4 includes the combination of claimed elements "broadcasting the series of content pages **including** the alert as a video signal over the plurality of channels." The Applicants further note that the Office did not cite *Scala* or *Levitan* for the proposition that they teach, alone or in combination, such combination of claimed elements. As such, the Applicants submit that the Office has failed to present a *prima facie* case of obviousness. Accordingly, The Applicants respectfully request that the present rejection of such claims be withdrawn.

Notwithstanding the lack of presenting a *prima facie* case of obviousness, the Applicants note that the Office did not cite *Rowe* to teach the combination of claimed elements directed to creating the series of content pages and/or fetching the alert via the internet from the on-line content source. The Applicants also note that *Scala* teaches:

"Scala InfoChannel makes it possible for you to use your PC to create productions that use special effects-movement, color, graphics, animation, sound-to highlight text and illustrate the points you want to emphasize.

Although it can be used with still images, the real purpose of InfoChannel is **to create dynamic productions-sequences of sounds and images that flow like a professional video** and can respond to outside input" (emphasis added). *Scala*, at Chap. 1, page 8.

Levitan, on the other hand, states: "[t]his invention relates to information technology for reducing Internet traffic and latency, and more particularly, **to delivery of Internet content to users via television channels.**" *Levitan*, at col. 1, lines 6-9. *Levitan* also states:

"Accordingly, it is an object of the present invention to provide a data broadcast network for traffic-free Internet access. The broadcast network includes a local area network (LAN) at a multichannel television center connecting a broadcast server to channel servers which, in turn, are bridging the LAN to dynamic subnetworks comprising one-way broadcast channels and broadcast clients coupled to those channels via channel selectors. The LAN is connected to the Internet for downloading Internet files into the broadcast server according to the Internet protocol before the files are retransmitted via the broadcast network to broadcast clients according to a data broadcast protocol. The broadcast network supports both one-to-one and one-to-many transmissions, the latter as a simultaneous delivery of the same copy of file to many clients tuned to the same channel. Any file is transmitted as a flow of packets and each transmission is preceded with an announcement specifying a transmission channel and a flow number so that clients could download

content selected by their users" (emphasis added). *Levitan*, at abstract.

Levitan further states:

"The Internet broadcast system works in such a way that user receives any content of his choice at a time of his choice while the broadcast server divides Internet content into four categories depending on demand and delivery management:

(1) Content in low demand delivered from its origin server only when requested by a user.

(2) Content in medium to high demand cached on the broadcast server and delivered to users when requested.

(3) Content in high demand cached on the broadcast server and transmitted permanently during a certain period of time. Clients download the content "on the fly" without sending requests to the server.

(4) Content brought to the broadcast server at a certain time for transmission on a schedule so that all clients, whose users are interested in that content, could download it simultaneously. This content is automatically downloaded when transmitted and presented to user later on user's request at a time of user's choice" (emphasis added). *Id.*, at col. 4, line 60 to col. 5, line 10.

In view of the foregoing quotes (and the rest of both of) *Scala* and *Levitan* and assuming arguendo, that the alerts taught by *Rowe* are internet files, the Applicants submit that the content taught by *Scala* are productions-sequences of sounds and images that flow like a professional video, and the content taught by *Levitan* (and/or the alerts taught by *Rowe*) are internet files that are downloaded or downloadable to clients. Thus, the Applicants submit that, when combined, the combination of *Scala* and *Levitan* (and/or *Rowe*) teach content that includes (i) productions-sequences of sounds and images that flow like a professional video ("video-production sequences"), and (ii) internet files that are downloaded or downloadable to clients ("downloadable-internet files"). The Applicants submit, however, *Scala* does not disclose that its video-production sequences include video-production sequences that include information for causing a query of an on-line content source for the alert. In light of the content of *Levitan* and/or *Rowe* being downloadable internet files and *not* being video-production sequences as taught by *Scala*, the Applicants submit that *Levitan* and/or *Rowe* does teach video-production sequences that include information for causing a query of an on-line content source for the alert.

Clearly, *Rowe*, *Scala* and *Levitan*, alone or in combination, are not the same as and do not teach the combination of claimed elements (i) *creating a series of content pages using a*

graphical user interface, wherein at least a portion of at least one content page of the series of content pages comprises information for causing at least one of a plurality of players at the plurality of channels to query the on-line content source for the alert, (ii) fetching the alert via the internet from an on-line content source, and (iii) broadcasting the series of content pages including the alert as the video signal over the cable channel. Accordingly, the Applicants submit that the combination of *Rowe, Scala and Levitan* does not teach or suggest all the elements of the amended independent claim 4.

Given that the dependent claim 6 depends from the amended independent claim 4, it necessarily includes all the elements of the amended independent claim 4. Accordingly, the Applicants submit that the combination of *Rowe, Scala, and Levitan* do not teach or suggest all the elements of the dependent claim 6. The Applicants therefore submit that the independent 4 and dependent claim 6 are not obvious under 35 U.S.C. §103(a) over *Rowe* in view of *Scala* in further view of *Levitan*, and as such, fully satisfy the requirements of 35 U.S.C. §103. The Applicants respectfully request that the present rejection of such claims be withdrawn.

Response to §103 Rejection of Claim 5

The Office rejected claim 5 as being unpatentable under 35 U.S.C. §103(a) over *Rowe* in view of *Scala* in view of *Levitan*, and further in view of *Brown et al.* The Applicants respectfully traverse this rejection.

The Office stated that *Rowe* in combination with *Scala, Levitan and Brown* teaches all of the elements of the dependent claim 5. The Office conceded that “*Scala, and Levitan* do not explicitly teach wherein at least one content page of the series of content pages includes programming code directing the at least one of the plurality of players to the on-line content source.” *Office Action*, at page 10. The Office, however, stated that “wherein at least one content page in the series of content pages includes programming code directing the player to the on-line content source.” *Id.* In support of this contention, the Office cited to *Brown* at col. 6: lines 17-24. From these two statements the Office concluded that “...it would have been obvious to a person of ordinary skill in the art to modify the system of *Rowe, Scala, and Levitan* to include wherein at least one content page of the series of content pages includes programming code directing the at least one of the plurality of players to the on-line content source, as taught by *Brown*, for the advantage of providing an identified destination of a specific source where particular information can be found, simplifying and making the information retrieval process quicker and efficient.” *Id.*

In view of the assertions of the Office, the Applicants note that the Office cited *Rowe*, *Scala* and *Levitan* for the proposition that it teaches all of the elements of the previously-presented independent claim 4 from which the dependent claim 5 depends. The Applicants also note that the Office only cited *Brown* with respect to the subject matter claimed in the dependent claim 5. The Applicants further note that the Office did not rely on *Brown* to (and further submit that *Brown* does not) teach the combination of elements of the previously-presented independent claim 4. To this end, the Applicants note that *Brown* discloses:

"Server 502 retrieves the web pages associated with the links in the requested web page from the web 508 and generates thumbnails, icons, or other information desired by the user. Server 502 may modify the requested web page and send the user the modified web page containing thumbnails, icons, or some other modification. Alternatively, server 502 may send the user the unmodified web page and the thumbnails, icons, etc. as extra data wherein browser 504 determines how to use this extra data" (emphasis added). *Brown*, at col. 6, lines 17-24.

Brown like *Levitan* discloses internet files (in this case, web pages). In light of the content of *Brown* being web pages and *not* being video-production sequences as taught by *Scala*, the Applicants submit that *Brown* does teach video-production sequences that include information for causing a query of an on-line content source for the alert

The Applicants submit that, as discussed above, the *Rowe*, *Scala* and *Levitan*, alone or in combination, do not teach or suggest all of the combination of claimed elements of the amended independent claim 4. Given that the dependent claim 5 depends from the amended independent claim 4, it necessarily includes all the elements of the amended independent claim 4. Accordingly, the Applicants submit that the combination of *Rowe*, *Scala*, *Levitan* and *Brown* do not teach or suggest all the elements of the dependent claim 5. The Applicants therefore submit that the dependent claims 5 is not obvious under 35 U.S.C. §103(a) over *Rowe* in view of *Scala*, in further view of *Levitan*, and in further view of *Brown*, and as such, fully satisfy the requirements of 35 U.S.C. §103. The Applicants respectfully request that the present rejection of such claims be withdrawn.

Response to §103 Rejection of Claim 8

The Office rejected claim 8 under 35 U.S.C. §103(a) as being unpatentable over *Rowe* in view of *Scala*, in view of *Levitan*, in view of *Brown* and in further view of U.S. Patent Publication No. 2002/0035731 to Plotnick et al. ("*Plotnick*"). The Applicants respectfully traverse this rejection.

The Office stated that Rowe in combination with *Scala, Levitan, Brown and Plotnick* teaches all of the claimed elements of the independent claim 8. The Office contended that Rowe teaches the previously-presented claimed elements:

one or more second graphical user interfaces that allows at least one user, unaffiliated with a party performing the delivering or the plurality of channels, to create the alert;

a network for delivering the alert over the network to an on-line content source affiliated with the at least one user;

a plurality of players for automatically forwarding to the plurality channels; and

the plurality of channels for broadcasting the alert as a video signal.

In support of this contention, the Office cited to Rowe at col. 19: lines 45-56 and col. 45: lines 44-46; RCON 500 - Fig.1, 13c; col. 10: lines 61-67; col. 7: lines 3-6; col. 22: lines 12-14; col. 22: lines 12-14, 49-52; col. 40: lines 2-3; and Col. 39: lines 21-25. The Office conceded, however, that: "Rowe does not explicitly teach:

communication and transmission over the internet;

fetching is done automatically using at least one of the plurality of players, at the time of the scheduled broadcast of the series of content pages, fetched based upon information contained within the series of content pages and the alert is inserted into the series of content pages.

a scheduler for scheduling the broadcast of the series of content pages;

one or more first graphical user interfaces for creating a series of content pages; and

a network for delivering the series of content pages over the network to a plurality of players at the plurality of channels." *Office Action*, at page 16.

The Office, however, contended that *Scala* teaches the previously-presented claimed elements:

a scheduler for scheduling the broadcast of the series of content pages;

one or more first graphical user interfaces for creating a series of content pages; and

a network for delivering the content pages over the network to a plurality of players at the plurality of channels.

In support of this contention, the Office cited to *Scala* at Chap 1, P.8; Chap 31 P. 67-68 and Chap 18, P. 7; Chap 19, P. 22; Chap 19, P.60-61; Chap 18, P. 7; and Chap 18 as a whole. The Office also stated that:

".. it would have been obvious to a person of ordinary skill in the art to modify Rowe's system to include a scheduler for scheduling the broadcast of the series of content pages; one or more first graphical user interfaces for creating a series of content pages; a network for delivering the series of content pages over the network to a plurality of players at the plurality of channels, as taught by Scala, for the advantage of providing users with the ability to create productions with various effects that can flow like a professional video, whether they are a one person or large department (Scala - Chap 1, P.8) and having the productions organized and scheduled to be played at the specified times providing the users with great control.."

The Office also conceded that, with respect to the previously-presented independent claim 8, *Rowe and Scala*:

"do not explicitly teach communication and transmission over the internet.

fetching is done automatically using at least one of the plurality of players, at the time of the scheduled broadcast of the series of content pages, fetched based upon information contained within the series of content pages and the alert is inserted into the series of content pages.." *Office Action*, p. 17-18.

The Office, however, stated that *Levitan* teaches the claimed elements not taught by *Rowe and Scala*. See *Id.*, at p.12 In support of this contention, the Office cited to "web Server 4-Fig.1, broadcast server 1-Fig.1; Col. 4: lines 24-369, Col. 5: lines 40-53, Col. 6: lines 3-33, Col. 6: lines 53-57, Col. 7: lines 43-49" The Office also stated "*Levitan* further teaches communication and transmission over the internet (Internet - Fig.1, Communication between broadcast server and web servers are via the internet; Col. 4: lines 33-34)." *Id.* From the foregoing the Office concluded that:

"Therefore, it would have been obvious to a person of ordinary skill in the art to modify the system of Rowe, Scala, and Levitan to include, transmission over the internet, as further taught by Levitan, for the advantage of robust communication and delivery over a thriving and widely used delivery system." *Id.*

The Office further conceded that:

"Rowe, Scala, and Levitan do not explicitly teach fetching based upon information contained within the series of content pages and the alert is inserted into the series of content pages."

The Office, however, stated that *Brown* teaches the claimed elements not taught by *Rowe, Scala and Levitan*. See *Id.*, at p.19. In support of this contention, the Office cited to col. 6: lines 17-24. From the foregoing the Office concluded that:

"Therefore, it would have been obvious to a person of ordinary skill in the art to modify the system of Rowe, Scala, and Levitan to

include fetching based upon information contained within the series of content pages and the data is inserted into the series of content pages, as taught by Brown, for the advantage of providing an identified destination of a specific source where particular information can be found, simplifying and making the information retrieval process quicker and efficient, and readily presenting to the user organized pages containing desired information, allowing the user to easily read and acquire information." *Id*

The Office even further conceded that: "Rowe, Scala, Levitan, Brown do not teach the alert is inserted into the series content pages." The Office, however, stated that *Brown* teaches the claimed elements not taught by *Rowe, Scala, Levitan* and *Brown*. See *Id.*, at p.20. From the foregoing the Office concluded that:

"Therefore, it would have been obvious to a person of ordinary skill in the art to modify the system of Rowe, Scala, Levitan, Brown to include the alert is inserted into the series content pages, as taught by Plotnick, for the advantage of presenting to the user desired and urgent information in a organized format, allowing the user to easily view information at their disposal." *Id*

Unlike *Rowe, Scala, Levitan, Brown* and *Plotnick*, alone or in combination, the independent claim 8, as amended, includes a combination of claimed elements (i) *at least one graphical user interface creating a series of content pages using a graphical user interface, wherein at least a portion of at least one content page of the series of content pages comprises information for causing a query of the on-line content source for the alert*, (ii) *a plurality of players for automatically fetching the alert via the internet from an on-line content source based on the information*, and (iii) *a plurality of channels for broadcasting the series of content pages including the alert as a video signal.*" More specifically, the amended independent claim 8 recites:

A system for issuing an alert over a plurality of channels selected from the group consisting of cable channels, over the air broadcast stations, direct broadcast satellite channels, and public and private closed-circuit video networks, the system comprising:

at least one first graphical user interface that allows at least one first user to create the alert;

a first network interface for delivering the alert via the internet to an on-line content source affiliated with the at least one first user;

at least one second graphical user interface for creating a series of content pages, wherein the at least second graphical user interface is associated with at least one second user, wherein the at least one first and at least one second users are unaffiliated, and wherein at least one content page of the series of content pages comprises information for causing a query of the on-line content source for the alert;

a second network interface for delivering the series of content pages over the internet to a plurality of players at the plurality of channels;

a scheduler for scheduling broadcast of the series of content pages;

a plurality of players for automatically fetching, at the time of the scheduled broadcast of the series of content pages, the alert via the internet from the on-line content source, wherein the alert is automatically fetched based upon the information for causing a query of the on-line content source, and wherein the alert is inserted into the series of content pages; and

the plurality of channels for broadcasting the series of content pages including the alert as a video signal" (emphasis added).

The Applicants submit that *Rowe*, *Scala*, *Levitán*, *Brown* and *Plotnick*, alone or in combination, are entirely silent and thus, fail to teaching and/or suggest the combination of claimed elements, including those enumerated (i)-(iii) above. In addition, the Applicants note that the Office stated that *Rowe* teaches "broadcasting the alert as a video signal over the plurality of channels." The Applicants, however, submit that this is not what is claimed in the combination of claimed elements. As previously presented and as amended, independent claim 8 includes the combination of claimed elements "broadcasting *the series of content pages including* the alert as a video signal over the plurality of channels." The Applicants further note that the Office did not cite *Scala*, *Levitán*, *Brown* or *Potnick* for the proposition that they teach, alone or in combination, such combination of claimed elements. As such, the Applicants submit that the Office has failed to present a *prima facie* case of obviousness. Accordingly, The Applicants respectfully request that the present rejection of such claims be withdrawn.

Notwithstanding the lack of presenting a *prima facie* case of obviousness, the Applicants note that the Office did not cite *Rowe* to teach the combination of claimed elements directed to creating the series of content pages and/or fetching the alert via the internet from the on-line content source. The Applicants also note that *Scala* teaches:

"Scala InfoChannel makes it possible for you to use your PC to create productions that use special effects-movement, color, graphics, animation, sound-to highlight text and illustrate the points you want to emphasize.

Although it can be used with still images, the real purpose of InfoChannel is **to create dynamic productions-sequences of sounds and images that flow like a professional video** and can respond to outside input" (emphasis added). *Scala*, at Chap. 1, page 8.

Levitán, on the other hand, states: “[t]his invention relates to information technology for reducing Internet traffic and latency, and more particularly, to delivery of Internet content to users via television channels.” *Levitán*, at col. 1, lines 6-9. *Levitán* also states:

“Accordingly, it is an object of the present invention to provide a data broadcast network for traffic-free Internet access. The broadcast network includes a local area network (LAN) at a multichannel television center connecting a broadcast server to channel servers which, in turn, are bridging the LAN to dynamic subnetworks comprising one-way broadcast channels and broadcast clients coupled to those channels via channel selectors. The LAN is connected to the Internet for downloading Internet files into the broadcast server according to the Internet protocol before the files are retransmitted via the broadcast network to broadcast clients according to a data broadcast protocol. The broadcast network supports both one-to-one and one-to-many transmissions, the latter as a simultaneous delivery of the same copy of file to many clients tuned to the same channel. Any file is transmitted as a flow of packets and each transmission is preceded with an announcement specifying a transmission channel and a flow number so that clients could download content selected by their users” (emphasis added). *Levitán*, at abstract.

Levitán further states:

“The Internet broadcast system works in such a way that user receives any content of his choice at a time of his choice while the broadcast server divides Internet content into four categories depending on demand and delivery management:

- (1) Content in low demand delivered from its origin server only when requested by a user.
- (2) Content in medium to high demand cached on the broadcast server and delivered to users when requested.
- (3) Content in high demand cached on the broadcast server and transmitted permanently during a certain period of time. Clients download the content “on the fly” without sending requests to the server.
- (4) Content brought to the broadcast server at a certain time for transmission on a schedule so that all clients, whose users are interested in that content, could download it simultaneously. This content is automatically downloaded when transmitted and presented to user later on user’s request at a time of user’s choice” (emphasis added). *Id.*, at col. 4, line 60 to col. 5, line 10.

In view of the foregoing quotes (and the rest of both of) *Scala* and *Levitán* and assuming arguendo, that the alerts taught by *Rowe* are internet files, the Applicants submit that the content taught by *Scala* are productions-sequences of sounds and images that flow like a

professional video, and the content taught by *Levitan* (and/or the alerts taught by *Rowe*) are internet files that are downloaded or downloadable to clients. Thus, the Applicants submit that, when combined, the combination of *Scala* and *Levitan* (and/or *Rowe*) teach content that includes (i) productions-sequences of sounds and images that flow like a professional video ("video-production sequences"), and (ii) internet files that are downloaded or downloadable to clients ("downloadable-internet files"). The Applicants submit, however, *Scala* does not disclose that its video-production sequences include video-production sequences that include information for causing a query of an on-line content source for the alert. In light of the content of *Levitan* and/or *Rowe* being downloadable internet files and *not* being video-production sequences as taught by *Scala*, the Applicants submit that *Levitan* and/or *Rowe* does not teach video-production sequences that include information for causing a query of an on-line content source for the alert.

Clearly, *Rowe*, *Scala* and *Levitan*, alone or in combination, are not the same as and do not teach the combination of claimed elements (i) at least one graphical user interface creating a series of content pages using a graphical user interface, wherein at least a portion of at least one content page of the series of content pages comprises information for causing a query of the on-line content source for the alert, (ii) a plurality of players for automatically fetching the alert via the internet from an on-line content source based on the information, and (iii) a plurality of channels for broadcasting the series of content pages including the alert as a video signal. Accordingly, the Applicants submit that the combination of *Rowe*, *Scala* and *Levitan* does not teach or suggest all the elements of the amended independent claim 8. The Applicants also note that the Office did not rely on *Brown* and/or *Plotnick* to (and further submit that *Brown* and/or *Plotnick* do not) teach the combination of claimed elements (i)-(iii) noted above.

In light of the foregoing, the Applicants submit that the combination of *Rowe*, *Scala*, *Levitan*, *Brown* and *Plotnick* fail to teach or suggest all of the combination of claimed elements of the amended independent claim 8. The Applicants therefore submit that the amended independent claim 8 is not obvious under 35 U.S.C. §103(a) over *Rowe* in view of *Scala* in view of *Levitan*, in view of *Brown* and in further view of *Plotnick*, and as such, fully satisfy the requirements of 35 U.S.C. §103. The Applicants respectfully request that the present rejection of such claims be withdrawn.

CONCLUSION

In view of the foregoing, the Applicants submit that none of the claims presently in the application are anticipated under the provisions of 35 U.S.C. § 102 or obvious under the

provisions of 35 U.S.C. §103. Consequently, the Applicants believe that all these claims are presently in condition for allowance. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Office believes that any unresolved issues still exist or if, in the opinion of the Office, a telephone conference would expedite passing the present application to issue, the Office is invited to call the undersigned attorney directly at 732-978-4899 or the office of the undersigned attorney at 732-978-7100 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,
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Date: June 23, 2008

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